

The §102(b) Rejection of Claims 1-4, 10 (cancelled), 29 and 30 Over Wallace

This rejection is surprising. There is anticipation (§102(b)) only if the Wallace reference discloses every element of the rejected claims.

The rejection argues that elements 1-9 of the rejected claims are not disclosed in the reference which, of course, is applicant's own patent based on parent application Serial No. 07/178,377.

Withdrawal of this rejection is indicated.

The §103 Rejection of Claims 1, 2, 3, 4, 10 (Cancelled), 29 and 30 over Backman Taken with Wallace and Other References

Wallace is not prior art. Backman was not published until after applicant's effective filing date of April 6, 1988 (Serial No. 07/178,377).

With regard to the Examiner's "concepts" (1) to (9), it is not required that the claims find literal response in an application relied upon under 35 U.S.C. §120. "Concepts" (1) to (3) are well within the teaching of Serial No. 07/178,377. "Concept" (8) is mooted by cancellation of claim 10. The other concepts are mooted by cancellation of claims 2, 3, and 4.

The §102(b) Rejection of Claims 12, 16, 17, 18, 19, 29 and 30 on Whiteley

The Examiner has not shown that every limitation of the rejected claims is expressly or inherently disclosed in Whiteley. Claims 29 and 30 are claims 1 and 2 of patent 4,988,617 which issued over Whiteley.

The §103 Rejection of Claims 1 to 47 Over Mullis and
Other References

There is no suggestion in Mullis of any ligase chain reaction analogous to PCR. The rejection is just hindsight. There is no suggestion to combine Mullis with Carr and/or Whiteley to make successfully the claimed inventions.

The §103 Rejection of Claims 1-47 Over Carr and
Whiteley with Mullis and Other References

This is essentially a repeat of the §103 rejection of claims 1-47 over Mullis in view of Carr and Whiteley. It fails for like reasons.

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